

Assembly Bill No. 947

Passed the Assembly September 8, 2011

Chief Clerk of the Assembly

Passed the Senate September 8, 2011

Secretary of the Senate

This bill was received by the Governor this _____ day
of _____, 2011, at _____ o'clock ____M.

Private Secretary of the Governor

CHAPTER _____

An act to amend Section 4656 of the Labor Code, relating to workers' compensation.

LEGISLATIVE COUNSEL'S DIGEST

AB 947, Solorio. Workers' compensation: temporary disability payments.

Existing law generally requires employers to secure the payment of workers' compensation, including medical treatment, for injuries incurred by their employees that arise out of, or in the course of, employment. Existing law generally prohibits aggregate disability payments for a single injury occurring on or after January 1, 2008, causing temporary disability from extending for more than 104 compensable weeks within a period of 5 years from the date of injury. Under existing law, if an employee suffers from specified injuries or conditions, aggregate disability payments for a single injury occurring on or after April 19, 2004, causing temporary disability are prohibited from extending for more than 240 compensable weeks within a period of 5 years from the date of injury.

This bill would add an injury or condition occurring on or after January 1, 2012, where surgery or recovery from surgery occurs after 104 weeks of temporary disability benefits have been paid, provided that specified conditions are met, to the injuries or conditions for which aggregate disability payments for a single injury causing temporary disability are prohibited from extending for more than 240 compensable weeks within a period of 5 years.

The people of the State of California do enact as follows:

SECTION 1. Section 4656 of the Labor Code is amended to read:

4656. (a) Aggregate disability payments for a single injury occurring prior to January 1, 1979, causing temporary disability shall not extend for more than 240 compensable weeks within a period of five years from the date of the injury.

(b) Aggregate disability payments for a single injury occurring on or after January 1, 1979, and prior to April 19, 2004, causing temporary partial disability shall not extend for more than 240 compensable weeks within a period of five years from the date of the injury.

(c) (1) Aggregate disability payments for a single injury occurring on or after April 19, 2004, causing temporary disability shall not extend for more than 104 compensable weeks within a period of two years from the date of commencement of temporary disability payment.

(2) Aggregate disability payments for a single injury occurring on or after January 1, 2008, causing temporary disability shall not extend for more than 104 compensable weeks within a period of five years from the date of injury.

(3) Notwithstanding paragraphs (1) and (2), for an employee who suffers from the following injuries or conditions, aggregate disability payments for a single injury occurring on or after April 19, 2004, causing temporary disability shall not extend for more than 240 compensable weeks within a period of five years from the date of the injury:

- (A) Acute and chronic hepatitis B.
- (B) Acute and chronic hepatitis C.
- (C) Amputations.
- (D) Severe burns.
- (E) Human immunodeficiency virus (HIV).
- (F) High-velocity eye injuries.
- (G) Chemical burns to the eyes.
- (H) Pulmonary fibrosis.
- (I) Chronic lung disease.

(J) An injury or condition occurring on or after January 1, 2012, where surgery or recovery from surgery occurs after 104 weeks of temporary disability benefits have been paid, provided that all of the following conditions are met:

(i) The need for surgery or recovery from surgery after 104 weeks of benefits have been paid is not caused by the willful failure of the employee to undergo recommended medical treatment.

(ii) The surgery was delayed as a result of the primary treating physician's advice to pursue less invasive treatments.

(iii) The surgery was recommended by the physician.

Approved _____, 2011

Governor